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STATEMENT ON EAST TIMOR BY AMNESTY INTERNATIONAL TO THE UNITED NATIONS SPECIAL COMMITTEE ON DECOLONIZATION

Thank you, Mr Chairman, for this opportunity to bring Amnesty International's concerns about human rights in East Timor to the attention of this Committee. As the Committee knows, we take no position on the question of self-determination of East Timor. We work solely on behalf of individuals, seeking the release of prisoners detained for the non-violent expression of their beliefs, fair and prompt trials for all political prisoners and an end to torture and all forms of cruel, inhuman or degrading treatment.

Over the years we have provided the Committee with information on human rights violations in East Timor, such as the unlawful executions of suspected supporters of Fretilin by members of the security forces, "disappearances" of prisoners last seen in the custody of the Indonesian military, the torture of prisoners during interrogation by military or intelligence officers and unfair trials of political prisoners. We have done so in the belief that an understanding of the human rights situation in the territory should inform the discussion on East Timor within both the Committee and the United Nations more broadly. The situation in East Timor has changed over the years, and we receive far fewer reports of abuses now than we did following the Operation Clean-Sweep offensive in 1983-84. This is no cause for complacency, however, and an understanding of the changes in the human rights situation that have--and have not--taken place remains pertinent to this Committee's work.

Collection of accurate information on human rights remains difficult because of lack of access to the territory. Amnesty International welcomes the call of East Timor Governor Mario Carrascalao in June 1988 to "open" the territory and ease travel restrictions to and from it. The reluctance of the Indonesian military to support that initiative on security grounds suggests that all is not well. Postal and telephone communications continue to be monitored, and visits by outsiders are carefully controlled. Recent statements of Mr Inacio de Moura attest to that control. Mr de Moura, who worked in the Governor's office in Dili, accompanied many diplomats and journalists on their official visits to East Timor before he left the territory in December 1987. In an interview with a Portuguese

newspaper in 1988, he said that these visits were prepared "down to the millimeter and to the second" by the Indonesian military, with the intelligence services playing a particularly prominent role (Expresso, 20 February 1988). All visitors, according to Mr Moura, are accompanied by security personnel in civilian clothing. When Mr Moura served as a guide for Portuguese journalist, Nuno Rocha, around Dili, East Timor, in 1987, he said he received specific instructions from the intelligence services about which areas of Dili he was to avoid.

The restrictions on access to the territory do not in themselves constitute evidence that human rights violations are taking place. But until such time as the territory is open to outside observers, until East Timorese can talk freely without fear of repercussions or reprisals against themselves or their families, until visitors can attend trials in Dili, and until information is made available on people held for interrogation in district-level military command headquarters, it will be difficult to accept assurances by the Indonesian Government that the rights of the East Timorese are fully respected.

I noted earlier that changes have taken place in East Timor. In particular, extrajudicial executions, though still occasionally reported, appear to have become isolated incidents. Another change that has taken place involves the release since August 1987 of some 150 political prisoners from the two main prisons in Dili, the Komarca and Bekora prisons. The releases have been given widespread publicity; the fact that many of the prisoners had served all but a few months of their sentences after patently unfair trials has not.

Many of the released prisoners appear to have been tried on the basis of false or coerced testimony after long periods of incommunicado detention, either in district or sub-district military commands or the Comarca Prison. While so detained, some of the prisoners were reportedly told that signing a "confession" and being brought before a court would enable them to receive visits from their families. Many apparently were not informed that they had the right to appeal their sentences; others were told that if they tried to appeal, their sentences would be increased. Amnesty International has published information describing several cases of those released.* While we welcome the releases we are also convinced that many of those released should never have been convicted in the first place.

"Disappearances", though few in number, continue to be reported. In earlier years, there was good reason to fear that a person reported to have "disappeared" would in fact be dead. Recent "disappearance" victims often reappear in military custody or in prison; the restricted access to the territory means that information on their fate or whereabouts only emerges long after the first reports of their "disappearance."

* See East Timor: Unfair Trials and Further Releases of Political Prisoners: (ASA 21/08/88).

One case recently reported is that of Domingos de Castro, an official of the Aileu Economic and Development Services, who was reported to have been taken away by intelligence officers in December 1987. As of March 1988, he was still reported missing. In the latter part of November 1987 he had been repeatedly approached by a major in the intelligence division of the Special Forces, together with one other man, and questioned about his activities in support of Fretilin. In his own testimony which he wrote before he "disappeared", he said he freely admitted supporting a proposal of Fretilin chief Xanana Gusmao for a negotiated end to the armed conflict in East Timor. In subsequent meetings the same week, Domingos de Castro was asked to send a letter to Xanana, suggesting that he should give himself up. The letter drafted by Domingos de Castro was, according to his own account, considered unsatisfactory. The last recorded meeting between Domingos de Castro and the intelligence officials was on 3 December 1987. Amnesty International does not know what happened to Domingos de Castro but it is concerned for his safety and well-being.

Torture has been a concern of Amnesty International since the first days of the Indonesian invasion. Although many of the most notorious torture centres have long since been closed and there is no torture to our knowledge in the two main Dili prisons, we continue to receive reports of torture during interrogation of prisoners detained in cells in military command posts such as the district-level KODIMs and subdistrict-level KORAMILS in Lospalos, Baucau and Viqueque. Torture has also been reported to take place in the interrogation centres run by the intelligence services, such as the Hotel Flamboyan in Baucau, the house used by the regional military intelligence unit formerly called KOTIS in Dili and the KOREM, the military headquarters for the entire territory. No international organizations visit these centres. The fact that most cases of torture are reported from outlying districts increases the time it takes for information to reach human rights organizations. Amnesty International has recently received reports of torture of Amaro Bosco and Joaquim Sarmento, on 19 January 1986 by members of the Baucau KODIM; of Ata Kauk, Domingos, Mau Nahak, Rubi Lekik, Susu Kaik and Susu Nana by the army intelligence unit in Klalerek Mutin on 24 July 1986; and of Adriano Corte Real, Calisto Corte Real, and Henrique Falcao in the KODIM in Aileu in August 1986. In the last case the torture reportedly occurred prior to their transfer to Dili for trial.

These cases, which Amnesty International has not been able to confirm independently, may be a fraction of the total. It is worth noting that in the course of its work on Indonesia, Amnesty International has received numerous reports of cases of torture in military and military intelligence posts, including Jakarta. The methods used are identical to those reported from East Timor.

Amnesty International works to publicize current cases of human rights violations in order to stop them. Equally important, however, is its work for the establishment of safeguards to prevent such abuses in the future. One key safeguard is the investigation of reported violations and the

prosecution and punishment of those responsible. If the authorities responsible for the commission of grave human rights abuses are not held accountable for them, there is the danger they will occur again. The Indonesian Government has not only not acknowledged responsibility for any human rights violations committed by its security forces in East Timor; it has instead promoted some of the military officers allegedly responsible for some of the worst excesses of the 1983-84 period.

The treatment by the Indonesian Government of past "disappearances" in East Timor is a case in point. According to the December 1987 Report of the Working Group on Enforced or Involuntary Disappearances, the Indonesian Government has provided information on only 10 of the 69 cases submitted to it by the Working Group; the Working Group considers only six of the cases to have been clarified by the government's information, and all six prisoners were in detention. In cases where there is strong reason to believe that the "disappeared" people were killed by Indonesian forces, the government has offered no information.

As we have repeatedly stated before the Committee, a public accounting of the fate or current whereabouts of all those believed to have "disappeared" is essential. The Indonesian Government has notably failed to comply with the spirit of United Nations General Assembly Resolution 33/173 of 20 December 1978 which calls on all goverments to devote appropriate resources to searching for disappeared persons and "to ensure that law enforcement and security authorities or organizations are fully accountable, especially in law, in the discharge of their duties, such accountability to include legal responsibility for unjustifiable excesses which might lead to enforced or involuntary disappearances and to other violations of human rights."

Mr Chairman, Amnesty International fully acknowledges that changes have taken place in East Timor over the six years that we have been presenting our concerns before this Committee. Much of the unlawful killing appears to have stopped. But these changes must not be allowed to obscure the fact that human rights violations are continuing out of sight of the official visitors allowed into the territory or that the Indonesian Government, to Amnesty International's knowledge, has not prosecuted a single officer for the human rights abuses of the last 12 years.